



Appeal Decision

Site visit made on 1 March 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/T3725/W/21/3280163

The Lyons Farm House, Rowington Green, Rowington CV35 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by David Barton of David G Barton Ltd against the decision of Warwick District Council.
 - The application Ref W/20/1888, dated 14 November 2020, was refused by notice dated 22 May 2021.
 - The development proposed is residential development (2 dwellings illustrated).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The application is in outline with all matters reserved for future consideration. I have determined the appeal on this basis.
4. An illustrative layout accompanies the application and I have paid regard to this layout in so far as assessing the principle of development in land use terms.
5. Following determination of the planning application by the Council, the appellant has prepared a Preliminary Ecological Appraisal. I have paid regard to the document in consideration of the appeal. Having regard to the Wheatcroft Principles I am satisfied that no interested parties have been prejudiced by my approach.

Main Issues

6. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;

- Whether the appeal site is an appropriate location for new housing having regard to the development plan and relevant national planning policies;
- The effect upon the character and appearance of the area;
- The effect on protected species; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposed development would be inappropriate development

7. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new dwellings is regarded as inappropriate in the Green Belt save for a number of specified exceptions.
8. Policy DS18 of the Warwick Local Plan (2017) (LP) sets out that the Council will apply national policy to proposals within the Green Belt.
9. The appellant contends that the development falls within the provision of such an exception – the limited infill of a village.
10. The Framework does not seek to define village boundaries and case law¹ has determined that what constitutes limited infilling in a village is a matter of fact on the ground and one of planning judgement for the decision maker. The on the ground situation may not necessarily reflect the settlement boundary outlined in the development plan.
11. The appeal site abuts the settlement boundary of Rowington Green. The village hall neighbours the site on one side with a detached dwelling on the other side both set within spacious plots. Located opposite is a sports club with a large sports field. Linear residential development extends for a short period along Rowington Green and Old Warwick Road, but otherwise housing is more sporadic. The character of the site and the sporadic nature of the built form contribute to the verdant and rural character of the area.
12. Despite the presence of neighbouring buildings, the site is not a small gap located within an otherwise uninterrupted built-up frontage but rather an open field located on the edge of the village. Nor does the site have the characteristics of an obvious vacant plot. The proposal would not integrate into an established street scene due to the substantial separation between properties along this side of Rowington Green and their set back from the road. This is quite distinct from the linear and compact group of dwellings on Old Warwick Road. Accordingly, in my judgement it does not constitute limited infill in a village.
13. There is a clear distinction between the case before me and the Coppull Moor Lane, Warren Lane, Woodhouse Lane and West View Road decisions which, whilst located beyond defined settlement boundaries, were located within continuous built-up frontages. This is not the case with regard to the appeal before me. I also do not find that the Mill Lane appeal decision is comparable to

¹ Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

the scheme before me as there was no dispute that it was located within a Limited Infill Village.

14. The proposed development would constitute inappropriate development as set out in Paragraph 149 of the Framework. It would also conflict with Policy DS18 of the LP.

The effect on openness

15. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
16. The proposed development comprising two large detached dwellings and the associated infrastructure and domestic paraphernalia would have a substantial impact on openness in both visual and spatial terms.
17. As such, I find that there would be a loss of openness of the Green Belt and this harm would be substantial contrary to the aims and objectives of the Framework.

Location of housing

18. Paragraph 80 of the Framework states that decisions should avoid the development of isolated homes in the countryside, save for a number of exceptions.
19. Court of Appeal case *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 considered the word “isolated”, albeit in the context of paragraph 55 of a previous version of the Framework. The judgement concluded that the term isolated should be understood in its plain meaning i.e. physically separated or remote. In other words, the term isolated should be taken to mean physically remote or separate only, in the sense of being isolated from other dwellings or settlements.
20. Taking the above into account and the evidence before me the site is therefore not isolated in the context of paragraph 80 of the Framework.
21. LP Policy H1 states that new housing will take place within urban areas, allocated housing sites and within the boundaries of Growth Villages and Limited Infill Villages as defined on the Policies Map. Parts d) and e) of the policy state that permission for development in open countryside, outside defined settlement boundaries will only be granted where specific criteria are met.
22. Rowington Green is identified as a Limited Infill Village where new development will be supported within its defined boundary. Whilst the site lies adjacent to the settlement boundary and is not in an isolated location, it is nonetheless located beyond it and within open countryside.
23. The proposal would therefore conflict with the LP which limits the development of housing beyond the settlement boundary and would not be an appropriate location for new housing. It would be contrary to LP Policy H1 which does not support the provision of market housing in this location.

Character and appearance

24. The appeal site lies within the Ancient Arden landscape and according to the Council small pastoral fields are one of the characteristics of the landscape.
25. The illustrative site plan and information before me indicates that the proposed dwellings would be set into the site and the hedge along the road would be largely retained.
26. Despite the above, the scheme would result in an unacceptable encroachment into open countryside and would be very apparent and intrusive appearing as an incongruous form of development that would change the verdant appearance of the site into something more urban. Albeit localised, it would significantly erode its verdant and rural appearance and the contribution the site makes to the surrounding landscape.
27. Taking the above into account I find that the proposed development would adversely affect the character and appearance of the Ancient Arden landscape contrary to LP Policy NE4 which, amongst other things, requires new development to consider landscape context including local distinctiveness.

Protected species and biodiversity

28. The potential for bats and other protected species on site and in the area carries statutory duties and is a matter of considerable weight. The appellant has undertaken an ecological assessment which concludes that the site has very low wildlife interest and low potential for protected species.
29. A Biodiversity Impact Assessment has been calculated which demonstrates a net gain in biodiversity through sowing part of a field with a wildflower meadow seed mix. Based on the evidence before me I am satisfied that sufficient information has been provided to demonstrate the proposed development would not unduly affect biodiversity locally. Furthermore, relevant conditions to secure biodiversity gains could be imposed if I were minded to allow the appeal.
30. As such, in this regard the proposed development would accord with biodiversity policies set out in the LP.

Other Matters

31. The proposal would constitute windfall development and may well help support local services and facilities including in Lapworth, but the benefits are modest commensurate with the provision of two dwellings. I therefore afford these benefits limited weight. Taking into consideration the points above I find that this would not outweigh the harm that I have identified in respect of the impact on the Green Belt.
32. The proposal would contribute to housing supply within the Parish. However, I have not been made aware of any pressing housing need that would justify a different overall conclusion that the appeal should be dismissed.
33. Whilst the site may have limited agricultural benefit this is not justification for a scheme that I have found to be harmful.
34. The appellant has drawn my attention to the presence of other consented dwellings in the village. However, I have not been made aware of the individual

circumstances that led to them being considered acceptable by the Council. In any case, every appeal must be considered on its own merits. The presence of these dwellings does not justify the harm that I have identified.

35. I acknowledge that the proposal would not conflict with the purposes of the Green Belt, as set out in paragraph 138 of the Framework. However, this is neutral in the overall planning balance as there would be no additional harm to that already identified.

Balancing Exercise

36. In line with the Framework the proposal would be inappropriate development in the Green Belt. It would also result in the loss of openness. I attach substantial weight to this harm, as required by paragraph 148 of the Framework. I have also found that the location of the site does not meet the requirements in local policy for locating residential development and with regard to the character and appearance of the area.
37. There are no other considerations in this case that would clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

38. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR